

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

DYLAN LAMOREAUX,

Plaintiff,

v.

No. 4:23-cv-01121-P

BEN E. KEITH COMPANY,

Defendant.

ORDER

A review of the record reveals that Plaintiff failed to comply with Local Rule 83.10(a), which requires the appearance of local counsel “where an attorney appearing in a case does not reside or maintain [their] principal office in this district.” N.D. TEX. CIV. R. 83.10(a). “Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff’s failure to prosecute or comply with the rules of civil procedure or court’s orders.” *Olsen v. Maples*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962)).

The Court thus **ORDERS** that this case is **DISMISSED without prejudice** per Rule 41(b) of the Federal Rules of Civil Procedure.¹

SO ORDERED on this **30th day of November 2023**.



Mark T. Pittman
UNITED STATES DISTRICT JUDGE

¹Should this dismissal without prejudice function as a dismissal with prejudice in this case, *see, e.g., Berry v. CIGNA/RSI-CIGNA*, 975 F.2d 1188 (5th Cir. 1992) (discussing instances where dismissal without prejudice functions as with prejudice, such as when a suit would be time-barred if plaintiff were forced to refile), Plaintiff must notify the Court in a timely, appropriately argued, and supported motion for leave to proceed without local counsel.